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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,544	09/26/2005	Winfried K. W. Holscher	05-196	3962
34704 7590 07/23/2007 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER GARCIA, ERNESTO	
			ART UNIT 3679	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,544	Applicant(s) HOLSCHER, WINFRIED K. W.	
	Examiner Ernesto Garcia	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007 and 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) 40-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29,31-34,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 30,34,35,38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election of species

Applicant's election of Species I in the reply filed on May 24, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 40-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected elected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 24, 2007.

Drawings

The drawings are objected to because one of the reference character "26" in Figure 1 does not have a lead line. The lead line of reference character "22" is broken. Reference character "24" in Figure 1 should not contain an arrow. The ring 48 made of elastic material should be clearly show in cross-section in Figure 1. Further, it is suggested that some of the Figures in sheet 1 be separated since seven figures clutter the sheet. Note that any new sheet submitted must be labeled "New Sheet".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases, which can be implied, such

as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes", "Disclosed is", etc.

The disclosure is objected to because of the following informalities:

the description of reference character "38" is inconsistent. See page 9, second paragraph, line 8, and page 10, second paragraph, line 1. Appropriate correction is required.

Claim Objections

Claim 29 is objected to because of the following informalities:

regarding claim 29, the reference to "another workpiece" in lines 2 and 5 should be --second workpiece--, "nut-like in line 12 should be --nut--, and "said" should be inserted before "outer" in line 17. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 29, the metes and bounds of the claim is unclear. In particular, it is unclear what the connecting device is comprised of. Are the workpieces and the clamping screw part of the claimed invention? Note that the preamble suggests that that the connecting device is “for connecting a first workpiece having an interior space to another workpiece by a clamping screw having a shank which engages in a longitudinal groove of the first workpiece and thus the device is intended for the workpieces and clamping screw. Further, the recitation “a nut-like screw head” in line 12 is misdescriptive and/or inaccurate. Note that the drawings do not show a nut screw head but rather a round screw head with a hex hole 53. The recitation “the fixing position” in line 17 lacks proper antecedent basis. The recitation “three groups of outer ribs” in line 16 makes unclear whether these are different ribs than those recited in line 7 or the same ones. The recitation “shaped ribs” in line 19 also makes unclear whether these are different ribs than those recited in line 7 or those in the three groups of ribs recited in line 16.

Regarding claim 30, the recitation “an outer rib” in line 2 makes unclear whether this ribs is one of the outer ribs recited in line 7 or another different rib.

Regarding claim 32, the recitation "radial grooves" in line 2 makes unclear whether these are the same radial grooves recited in claim 29, line 18, or different radial grooves.

Regarding claim 34, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the connecting device is "for connecting a first workpiece having an interior space to another workpiece by a clamping screw having a shank which engages in a longitudinal groove of the first workpiece". However, the body of the claim positively recites "the first work piece", e.g., "one sleeve edge of the sleeve is fixed in the first workpiece" (line 2), which indicates that the claims are being drawn to a combination of the "connecting device" and the "first workpiece". Accordingly, is the combination or subcombination being claimed? Appropriate correction, clarification, or both is required. For purposes of this Office action, the examiner has consider this claim in combination with the first workpiece.

Regarding claims 31 and 34-39, the claims depend from claim 29 and therefore are indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 and 31-34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rixen et al., 5,192,145, in view of Shell, 4,775,259.

Regarding claim 29, Rixen et al. disclose, in Figures 1-4, a connecting device comprising a nut screw head **13** assigned to a threaded area of a clamping screw **14**. The screw **14** is designed such that the screw head can be inserted into an undercut longitudinal groove **10**. Rixen et al. teach a sleeve **16** and a shank of the clamping screw **14** passes through the sleeve **16**. However, Rixen et al. fail to disclose the sleeve **16** having at least three groups of outer ribs parallel to a longitudinal axis of the sleeve **16**. Shell teaches switching the thread with ribs **88** between Figures 10 and 16 to make an alternative connection. Note that although Shell teaches one group of outer ribs, given the context that the thread makes contact at three locations, i.e., the bottom of the groove and in the two facing ribs of the longitudinal groove, one skilled in the art will design the ribs into three groups of ribs parallel to the longitudinal axis of the sleeve so that one group engages the bottom of the groove and the other two groups of the

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ribs will engage the facing ribs of the groove as an alternative to using a continuous thread on the sleeve for connecting the sleeve to one workpiece. Therefore, as taught by Shell, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the thread in Rixen et al. with the ribs as taught by Shell to alternative connect the sleeve with the workpiece. Given the modification, the outer ribs will be assigned to radial grooves in the groove bottom and in the facing ribs.

Regarding claim 31, given the modification, rib crests of a number of the outer ribs will run parallel to one another.

Regarding claim 32, given the modification, ribs crests of a number of the outer ribs will define a common annular contour.

Regarding claim 33, given the modification, the outer ribs of the sleeve can be inserted in the radial groove of the first workpiece.

Regarding claim 34, Rixen et al. discloses one sleeve edge **21'** of the sleeve fixed in a first workpiece, being approximately flush with a face of the first workpiece.

Regarding claim 36, the screw head is designed in a plate-shaped manner.

Regarding claim 37, a length of the screw head is shorter than a width of a groove space of the longitudinal groove, which receives the screw head.

Allowable Subject Matter

Claims 30 and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 38 and 39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 30, assuming *arguendo* that the workpieces are being claimed, the prior art of record does not disclose or suggest a connecting device comprising ribs merging with its rib faces into shaped channels of a sleeve outer face of a sleeve; Rixen et al., 5,192,145, as modified by Shell, 4,775,259, merely provide the ribs; however, there is no motivation, absent applicant's own disclosure, to modify Shell to include the shaped channels;

regarding claim 35, assuming *arguendo* that the workpieces are being claimed, the prior art of record does not disclose or suggest a connecting device comprising a

ring, made of elastic material and surrounding the threaded area of the clamping screw, arranged between a sleeve edge and a screw head. The closest prior art, Rixen et al. suggest a ring integral with the sleeve. There is no reason to modify the ring of Rixen et al. since the ring is made of metal and part of the sleeve. Modifying the sleeve into an elastic material will not allow the sleeve to cut into the workpiece as modified; and, regarding claims 38 and 39, these claims directly or indirectly depend from claim 35.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

E.P.

E.G.

July 9, 2007

Daniel P Stodola

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3500